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The Hon. Craig Knowles
Minister for the Department of Infrastructure, Planning and Natural Resources
Level 33 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Dear Mr Knowles,

I am writing on behalf of myself and a group of about 40 owners of large blocks (10 – 100 acres) in the Glenorie / Hillside area of Sydney. We are very concerned about the way our interests have been excluded from the plan-making process for development in our area, and ask that you take steps to rectify the situation.

Background

About 3 years ago the Baulkham Hills Shire Council commenced work on a new Rural Lands Study encompassing our area. The Rural Lands Study was to ultimately lead to the drafting of a new Local Environment Plan (LEP).

Naturally, as those directly affected by this process, we expected the Council would incorporate the general wish of the community into the Study and resulting LEP. The Council confirmed that they sought community participation, and called for submissions to be made to the Rural Lands Study.

Many of us followed the process closely, and made detailed and well-researched submissions. Many of our submissions contained clearly-argued criticism of the Rural Lands Study as biased, lacking in objectivity, and generally not in keeping with the interests of the affected community. In particular, a summary of submissions shows unequivocal and overwhelming community support for the removal of the current prohibition against subdivision to 5 acre lot sizes in our area.

In due course a report on the Rural Lands Study and submissions was tabled before the Council. The report presented a Rural Strategy that is to become the basis for preparing a new LEP.

At this point we became concerned, because we found that the Rural Strategy was based solely on the content of the Rural Lands Study, and did not recognise any of the issues raised by the community in submissions.

The involvement of the Department of Infrastructure, Planning and Natural Resources

We asked the Council and staff why, in the face of so much well-founded criticism, they did not consider it necessary to make even a single amendment to the Rural Strategy as presented in the Rural Lands Study. The Council's response was that their hands were tied, as they were restricted by the need to comply with policy guidelines issued by your Department!

To find out if this was correct, I wrote to your Director General (Ms Jennifer Westacott), and asked if there was any directive preventing the Council from exhibiting a plan that provided for subdivision to 5 acres in our area.

The reply (copy attached) states that the Director General must first agree with a Rural Strategy before the Council can issue a section 65 certificate under delegation for a draft LEP that contains controls to permit rural residential development. It also states that the Department “supports” the direction of the Rural Lands Study.

Given the refusal of our Council to incorporate removal of the current prohibition against subdivision to 5 acres as a goal in the Rural Strategy, in spite of their duty under the Local Government Act to represent the interests of residents and ratepayers, we can only conclude that your department must have made it clear to them that they could not remove the prohibition against subdivision to 5 acres.

This is wrong.

We are not fools. We are more than capable of making responsible decisions regarding our own future and the future of our own area, while taking wider considerations into account. It is simply unacceptable to now find that the body which is supposed to represent us, our Council, is unable to act in accordance with our wishes because its hands are tied by murky guidelines coming from somewhere inside your Department. It completely undermines the process of calling for submissions, and makes a mockery of the time and effort many of us have put into this issue.

What we ask

We now ask that you now step in, and make it clear to the Council and your department that the Council must incorporate into the Rural Strategy the general wish of the community as expressed in submissions to the Rural Lands Study, and that a section 65 certificate may be issued by the Council under delegation if the draft LEP is prepared in accordance with such a Rural Strategy.

This issue has festered away now for nearly 30 years. Much time and money has been wasted on study after study. It is ridiculous that our area, much of which has all services apart from reticulated sewage, is restricted to a density of 1 dwelling per 25 acres, while other areas nearby are expected to absorb development at 15 to the hectare.

It is even more ridiculous when you consider that one of the main reasons provided to us for prohibiting subdivision to 5 acres is ostensibly so that the land can be reserved for agriculture, yet our area has rocky, hilly land unsuited to agriculture, whereas many of the current and planned urban release areas are located on prime farmland!

As of right, the public expect and demand choice in housing – not everyone wants to live 15 to the hectare in Rouse Hill. Permitting subdivision to 5 acres in our area will provide several hundred additional opportunities for Sydneysiders to live in relative peace and quiet, and increase the general amenity of the area for those of us who live here now, with minimal disturbance to the environment, and without unduly contributing to congestion.

I trust that you will understand the logic in our request, and make the necessary changes.

Yours sincerely,

Alex Davidson